

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LATANYA COLLINS,

Plaintiff,

-against-

THE CITY OF NEW YORK, and THE NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants.

**DEFENDANTS’
NOTICE OF MOTION
TO DISMISS THE
AMENDED
COMPLAINT**

1:23-cv-9248 (NCM) (JAM)

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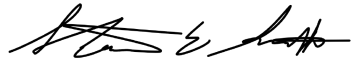
PLEASE TAKE NOTICE, that upon the Declaration of Assistant Corporation Counsel Steven E. Smith, dated June 13, 2024, and the exhibits annexed thereto, the Notice Pursuant to Local Civil Rule 12.1 to Pro Se Litigant Who Opposes a Rule 12 Motion Supported by Matters Outside the Pleadings, dated June 13, 2024, the Memorandum of Law in Support of Defendants’ Motion to Dismiss the Amended Complaint, dated June 13, 2024, and upon all the papers and proceedings previously had herein, Defendants the City of New York (“City”) and the New York City Department of Education (“DOE”), will move this Court, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, before the Honorable Natasha C. Merle, United States District Judge, on a date and time set by the Court for a judgment, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing the Complaint against the Defendants on the grounds that: (1) the City is not a proper party to this proceeding; (2) Plaintiff should have brought these claims in New York state court in a special proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”) and is thus time-barred; (3) Plaintiff’s state law claims should be dismissed for her failure to timely file and serve a Notice of Claim (“NOC”); (4) Plaintiff failed to timely exhaust

her remedies; and (5) Plaintiff has otherwise failed to state a claim for religious discrimination under any law; and granting such other and further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, pursuant to Rule 6 of the Federal Rules of Civil Procedure, Rule 6.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, and this Court's Order re: ECF No. 19, dated May 9, 2024, (1) any opposing affidavits and answering memoranda of law shall be served on or before July 18, 2024, and (2) any reply affidavits and memoranda of law shall be served on or before July 29, 2024.

Dated: New York, New York
June 13, 2024

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